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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,737	05/30/2001	Takuya Kotani	B588-020	6807

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ROBIN BLECKER & DALEY
2ND FLOOR
330 MADISON AVENUE
NEW YORK, NY 10017

EXAMINER

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,737

Applicant(s)

KOTANI, TAKUYA

Examiner

Cam-Linh T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 – 40 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: in independent claim 1, 22, 39 - 40, the limitation of "an allocation step of allocating a first storage area for metadata in advance on said storage medium". Applicant fails to define what step or action that after the phase "in advance". The limitation of the claim does not clearly define "in advance of what" on said storage medium.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 5, 7 – 16, 19 – 26, 28 – 37, 39 - 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patton et al (U.S. 6,408,301).

♦ As per claim 1, 22, 39 - 40

Patton et al discloses an information processing method for storing binary data and metadata related to the binary data into a storage medium, comprising:

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- "An allocation step of allocating a first storage area for metadata in advance on said storage medium" See col. 3 lines 43 – 60, col. 4 line 20 – 23.
- "A first storage step of allocating a metadata storage area for storing said metadata from said first storage area...storing said metadata into said metadata storage area" See Fig.1, col. 4 line 20 – 28. When Patton stored the metadata into the system, this area corresponds to the "first storage area".
- "A second storage step of storing binary data related to said metadata into a second storage area" See Fig. 1, col. 4 line 39 – 45.
 - The "binary data" corresponds to "still image data" (col. 4 line 43).
 - The "second storage" corresponds to the area that stored the image data.
- "A third storage step of storing link information that links said metadata stored... with said binary data" See col. 4 line 45 – 47.
 - The "link information" corresponds to the "image links" (col. 2 line 23 – 35).
 - "The third storage" corresponds the area that stored the image links.
- "Link information is stored into an area adjacent to an area where said metadata is stored". The "image link" is derived from the metadata, and is stored in the disk 16 in Fig. 3. Therefore, the "link information" must be stored adjacent with the metadata.

However, Patton et al does not specifically disclose the order of storing the binary data, metadata, and linking data. Nonetheless, such is not a patentable distinction. One of ordinary skill in the art would have recognized that either the metadata or the binary data might have been stored first. The choice of sequence provides no

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unexpected or unobvious result. The ordinary skill in the art would have only recognized that the linking of metadata to binary data would have to occur after those two types of data had been captured and stored. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to practice the invention in different sequence steps such as capture and store either binary data or metadata first, because the choice of sequence provides no unexpected or unobvious result.

◆ As per claim 2, 23, Patton discloses:

- "Adjacent area is a sector next to the area where said metadata is stored". The "image link" is derived from the metadata, and is stored in the disk 16 in Fig. 3. Therefore, the "link information" must be stored adjacent with the metadata.

◆ As per claim 3, 24, Patton discloses:

- "An adjacent area having a fixed length is allocated" See col. 5 line 1.

◆ As per claim 4 - 5, 25 – 26, Patton discloses:

- "Link information is described as a path and a file name of said binary data" See col. 4 line 45 – 47. Patton discloses the "address pointer" that corresponding image sequence. Therefore, this address corresponds to the "path and file name".

◆ As per claim 7 - 8 , 28 – 29, Patton discloses:

- "Metadata and said binary data are managed as one file" and "as different files" See Fig. 13. Patton teaches that can be associated with metadata.

◆ As per claim 9, 30, Patton discloses:

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- "Metadata storage area is allocated in a portion in said storage medium that can be accessed at high speed". Patton discloses that an index is created of all of the image links (See the abstract), and this index is communicated to the user. The user will access the objects by searching this index. Therefore, this index must be stored in a portion that can be accessed at high speed.

◆ As per claim 10, 21, 31, Patton discloses:

- "Storage medium is a magneto-optic disk" See col. 3 line 54 – 60.

◆ As per claim 11 - 12, 32 – 33, Patton discloses:

Claims 11 – 12 include: "generating an area file having a size the same as that of said metadata storage area and holding the file on said storage medium". Patton teaches that the user can control the frames will be captured (col. 3 line 66 – col. 4 line 1). As noted above, the metadata also automatically recorded with the image (see col. 4 line 20 – 28). Therefore, the user can generate an area file having the same size as metadata storage area. It is logical steps for delete an area file, then stored metadata from the start position of an area.

◆ As per claim 13 - 15, 34 – 36, Patton discloses:

- "First storage area is allocated in a directory where said binary data is stored"
See col. 4 line 64 – 67.

◆ As per claim 16, 37, Patton discloses:

- "Metadata includes description of information specifying related binary data" See col. 4 line 27 – 39.

◆ As per claim 20, Patton discloses:

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- "Binary data is at least one of still image data, video data, sound data and music data" See Fig. 4. Patton discloses that the binary data that stored can be an image, sound or music.

5. Claims 6, 17 – 18, 27, 38, are rejected under 35 U.S.C. 103(a) as being unpatentable over Patton et al (U.S. 6,408,301) in view of Levy et al (U.S. 6,505,160).

◆ As per claim 6, 27

Claims 6, 27 include all limitation in claim 1 and 22 further include a registration step of registering link information.

Patton does not clearly disclose the registration step. However, Patton discloses that an index is created of all of the image links (See the abstract), and this index is communicated to the user. Therefore, Patton implicitly discloses the registration step that register the image link into the index in order for the system operates logically.

On the other hand, Levy et al discloses a method of linking media object with the metadata via identifiers (See col. 2 line 5 – 8, Levy). The registration process provides an identifier (See col. 4 line 2 – 15, Levy).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the registration step that register the link into the system, as provided by Levy, into the system of Patton because the registration step is a logically step for the computer system operates properly.

◆ As per claim 17 - 18, 38 the combination of Patton and Levy discloses:

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- "Metadata is described in a predetermined data description language such as XML, SGML, and TIFF)" See col. 5 line 59 – 66, Levy.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Aruma Kumar (U.S. 6,353,823) discloses a method and system for using associative metadata.
- Mehrotra et al (U.S. 6,115,717) discloses a system and method for open space metadata-based storage and retrieval of images in an image database.
- Jain et al (U.S. 6,144,375) discloses a multi-perspective viewer for content-based interactivity.
- Balogh et al (U.S. 5,493,677) discloses a method of generation, archiving, and retrieval of digital images with evoked suggestion set captions and natural language interface.
- Klein et al (U.S. 6,209,000) discloses a method for tracking storage for data items.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam-Linh T. Nguyen whose telephone number is 703-305- 1951. The examiner can normally be reached on Monday - Friday from 8:00 am to 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308- 1436. The fax phone number for the organization where this application or proceeding is assigned is 703- 746- 7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703- 305- 3900.

Cam-Linh Nguyen
Art Unit 2171

LN



SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100